

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>THEODORE HAYES, <i>et al.</i></b> <i>Plaintiffs</i>	:	<b>CIVIL ACTION</b>
	:	
	:	<b>NO. 15-2617</b>
<b>v.</b>	:	
	:	
<b>PHILIP E. HARVEY</b> <i>Defendant</i>	:	

**TEMPORARY RESTRAINING ORDER**

AND NOW, this 12<sup>th</sup> day of May 2021, at approximately 11:00 AM, upon consideration of Plaintiffs' *emergency motion for a temporary restraining order*, [ECF 76], which seeks to prevent Defendant or anyone on Defendant's behalf from re-renting the residential dwelling located at 540-B Pine Street, Philadelphia to anyone other than Plaintiffs, the complaint, [ECF 4], and supplemental complaint, [ECF 62], wherein Plaintiffs allege, *inter alia*, that they have a right to remain in their current home (538-B Pine Street, Philadelphia) under the Enhanced Voucher Statute, 42 U.S.C. § 1437f(t), despite Defendant's attempts to evict them, and the written certification by Plaintiffs' attorney regarding efforts to notify Defendant of this motion, this Court finds that:

- a. Plaintiffs have shown a reasonable probability of success on the merits of their claim to remain in their home under the Enhanced Voucher Statute;
- b. Plaintiffs will suffer substantial, immediate, and irreparable injury in the form of a loss of remedies under the Enhanced Voucher Statute unless the requested injunctive relief is granted;
- c. The grant of injunctive relief will not result in greater injury to Defendant; and
- d. The public interest favors the grant of injunctive relief.

Accordingly, unless later rescinded, it is hereby **ORDERED** that the motion for a temporary restraining order is **GRANTED**, as follows:

1. Defendant and/or his agent are enjoined from taking any action to re-rent 540-B Pine Street, Philadelphia, PA, to anyone other than Plaintiffs, pending the outcome of this civil action, which is currently scheduled for trial on June 7, 2021;
2. In accordance with Federal Rule of Civil Procedure 65(c), Plaintiffs shall post security in the amount of four thousand and three hundred dollars (\$4,300) with the United States Clerk of Court for the Eastern District of Pennsylvania by May 14, 2021;
3. Defendant shall file and serve any response to Plaintiffs' motion for a preliminary injunction by no later than May 21, 2021; and
4. This Temporary Restraining Order shall expire on May 26, 2021, at 11:00 AM Eastern Standard Time, unless, before such time, Defendant consents to its extension for a longer period of time or the Court extends the duration of this Order for good cause shown or disposes of Plaintiffs' motion for a preliminary injunction.

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro

**NITZA I. QUIÑONES ALEJANDRO**

*Judge, United States District Court*